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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,163	12/11/2003	Laurence Richard Penn	1111-22	5953
7590	08/02/2005		EXAMINER LAZO, THOMAS E	
John S. Egbert Harrison & Egbert 7th Floor 412 Main Street Houston, TX 77002			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,163

Applicant(s)

PENN, LAURENCE RICHARD

Examiner

Thomas E. Lazo

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 24 is/are rejected.
- 7) ☒ Claim(s) 25-36 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Response to Amendment

Applicant's amendment filed 7/1/05 is acknowledged.

The applicant has overcome the objection to the specification by appropriately correcting the specification. The objection to the specification is withdrawn.

The applicant has overcome the rejection to claims 19-23 under 35 USC 112, second paragraph by canceling the claims. The rejection to claims 19-23 under 35 USC 112, second paragraph is withdrawn.

The applicant has overcome the rejection to claims 1, 2, 19-21, and 23 under 35 USC 102(b) by canceling the claims. The rejection of claims under 35 USC 102(b) is withdrawn.

The applicant has overcome the rejection to claims 3 and 4 under 35 USC 103(a) by....
The rejection of claims under 35 USC 103(a) is withdrawn.

The applicant has overcome the objections to claims 1 and 19-23 by canceling the claims.
The objections to the claims are withdrawn.

Response to Arguments

Applicant's arguments filed 7/1/05 have been fully considered but they are not persuasive. The applicant argues that the rotary spool valve of Demers et al. does not contain a spool that is slidingly received in a bore.

The examiner respectfully disagrees. The rotary spool valve of Demers et al. contains a rotary spool that slides within the bore in a rotary fashion and therefore constitutes a spool that is slidingly received in the bore.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Demers et al.

(4,162,750). Demers et al. discloses a metering device with an elongate chamber 1, a shuttle 2 contained within the chamber 1, the shuttle 2 having a portion which is a substantially sealing sliding fit within the chamber 1, the shuttle 2 being movable axially between an initial position and a second a second position within the chamber 1, each end of the chamber 1 defining fluid flow means through which fluid may enter and leave the chamber, and valve means 4 adapted to control the flow of fluid to and from the chamber 1 such that, during successive cycles of operating the metering device, fluid is being supplied to one end of the chamber 1 causing the shuttle 2 to move from the initial position at the one end of the chamber to the second position at the other end of the chamber thus ejecting a predetermined volume of fluid from the chamber, and subsequently fluid is supplied to the other end of the chamber causing the shuttle to move back from the second position to the initial position again ejecting a predetermined quantity of fluid from the chamber 1, the valving means comprising a spool valve 4 having a spool 25a slidingly received within a bore, the spool valve 4 being associated with means to drive the spool 5 between two alternate positions in response to the shuttle 2 reaching the initial position or the

Art Unit: 3745

second position, the spool 25a, in one position creating a fluid flow path for pressurized liquid from a fluid flow inlet duct 49 to the fluid flow means at one end of the chamber 1, and also creating a fluid flow path from the fluid flow means at the other end of the chamber 1 to a fluid flow outlet duct 49, and in a second position creating a fluid flow path for pressurized liquid from a fluid flow inlet duct 49 to the fluid flow means at the other end of the chamber 1, and also creating a fluid flow path from the fluid flow means at the one end of the chamber 1 to the fluid flow outlet duct 49, wherein the spool 25a is moved by a motor arrangement 5, the motor arrangement 5 being controlled by a control unit (electrical circuit) in response to a signal (switch 7 shutting) generated in response to the shuttle 2 reaching the initial position or the second position.

Allowable Subject Matter

Claims 25-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 3745

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thomas Lazo whose telephone number is (571) 272-4818. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Edward Look, can be reached on (571) 272-4820. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to status of this application or proceeding should be directed to the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.



Thomas E. Lazo
Primary Examiner
Art Unit 3745

TEL
July 28, 2005